

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/035,907	12/24/2001	Richard O. Hilson	10011146-1	2166
7	590 07/28/2004		EXAM	INER
AGILENT TECHNOLOGIES, INC.			MCKANE, ELIZABETH L	
Legal Departm	ent, DL429			
Intellectual Property Administration			ART UNIT	PAPER NUMBER
P. O. Box 7599			1744	
Loveland, CO	80537-0599			

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

9 The specification is objected to by the Examiner. 10 The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. §§ 119 and 120 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)		Application No.	Applicant(s)				
Leigh McKane	Office Action Summer	10/035,907	HILSON ET AL.				
The MALING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Eacherous dimm rangle ovariable under the previous of 3° CPR 1.138(o). In recent, however, may a reply be linely filed Eacherous dimm rangle ovariable under the previous of 3° CPR 1.138(o). In recent, however, may a reply be linely filed Eacherous dimm rangle ovariable under the previous of 3° CPR 1.138(o). In recent, however, may a reply be linely filed Eacherous dimm rangle ovariable under the military of the dimm of 3° CPR 1.138(o). In recent, however, may a reply be linely filed I the period for reply respirable under the military of the communication. It is a second to reply respirable that military pation of under the military dude of the communication (c) (60 MONTHS from the mailing dude of the communication. It is communication. Parallel to reply veliable the set of extended period for reply with the state of the communication. Parallel to reply veliable to set of the second reply of the second reply veliable to reply veliable to set the second reply veliable. Parallel to reply veliable to set the second reply of the second reply veliable to the second reply veliable to set the second reply veliable. Parallel to reply veliable to set the second reply veliable to the second reply veliable to second reply veliable. Parallel to reply veliable to second reply veliable the second reply veliable to the second reply veliable. Parallel to reply veliable to second reply veliable to the second reply veliable. Parallel to reply veliable to second reply veliable to the reply veliable to the military reply veliable. Parallel to reply veliable to the second reply veliable to the second reply reply veliable. Parallel to reply veliable to the second reply veliable. Parallel to reply veliable t	Office Action Summary	Examiner	Art Unit				
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION Flormostic from my the substitute bush from transports of 2 CPR1.138(a). In no event, however, may a reply bet timely filed after SX (6) MONTHS from the maining date of this communication. If the period for reply is question disons, the maintum studius present will expire SX (6) MONTHS from the remaining date of this communication. If the period for reply is question disons, the maintum studius present will expire SX (6) MONTHS from the remaining date of this communication. If the period for reply is question disons, the maintum studius present will expire SX (6) MONTHS from the remaining date of this communication. If the period for reply is question disons, the maintum studius present will expire SX (6) MONTHS from the remaining date of this communication. If the period for reply septimed the maintum studius present will expire SX (6) MONTHS from the remaining date of this communication. Application is FINAL. If the period communication is communication (s) filed on @3 June 2004. 2a) □ Responsive to communication (s) filed on @3 June 2004. 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1-16 and 58-81 is/are pending in the application. 4a) Of the above claim(s) is/are pending in the application. 4a) Of the above claim(s) is/are pending in the application. 4b) Claim(s) 1-3.4.7.8.15.62.63 and 70 is/are rejected. 7c) Claim(s) 2-5.6.9.11.66.9-69 and 71 is/are objected to. 8b) □ Claim(s) 3-3.4.7.8.15.62.63 and 70 is/are rejected. 7c) □ The drawing(s) filed on is/are: allowed. 9c) □ The specification is objected to by the Examiner. 10c) □ The drawing(s) filed on is/are: allowed. 10c) □ The drawing(s) filed on is/a							
THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 32 FFR 1-13(a). In or event, however, may a rophy be timely filled after SIX (6) MCNTTS from the mailing dade of time communication of the SIX (6) MCNTTS from the mailing dade of time communication of the SIX (6) MCNTTS from the mailing dade of time communication. I NO period for reply is specified above, the maximum studatory parted diagony and will energy SIX (6) MCNTTS from the mailing dade of time communication. Failure to reply within the set or extended period for reply is specified to provisional application to become ABANDONED (38 U.S.C. § 133). Any reply received by the Ordine used them throw mornional after the mailling dade of this communication, even if timoly filed, may reduce any support of the specific and the set of the communication of the communication, even if timoly filed, may reduce any support of the specific and set them throw mornion after the mailling dade of this communication, even if timoly filed, may reduce any support of the specific and set the mailling dade of this communication, even if timoly filed, may reduce any support of the specific and set the mailling dade of this communication, even if timoly filed, may reduce any support of the specific and set the mailling dade of the communication. Status 1) MC Responsive to communication(s) filed on 03 June 2004. 2a) MC This action is FINAL. 2b) This action is FINAL. 2b) This action is FINAL. 2b) This action is FINAL. 2c) Institute the provision of allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim (s) 1.1.4 5.8 5.8 1 star explained in the application of the specific and to claim (s) 1.1.4 5.8 o.G. 2.1.1 5.8	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
2a) ☐ This action is FINAL. 2b) ☐ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☐ Claim(s) 1-16 and 58-81 is/are pending in the application. 4a) Of the above claim(s)	 THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 						
3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1.16 and 58.81 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 56.61 and 72.81 is/are allowed. 6) Claim(s) (3.66.61 and 72.81 is/are allowed. 6) Claim(s) (3.66.61 and 72.81 is/are allowed. 7) Claim(s) (3.66.69 and 70 is/are rejected. 7) Claim(s) (3.66.69 and 71 is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. Application may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. §§ 119 and 120 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * o None or: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified ocpies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. Attachment(s) 10 Notice of Draftsperson's Patent Drawing Review (PTO-948) 5 Noti	1)⊠ Responsive to communication(s) filed on <u>03 Ju</u>	<u>ne 2004</u> .					
Closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ○ Claim(s) 1.16 and 58-81 is/are pending in the application. 4a) Of the above claim(s)	2a)⊠ This action is FINAL . 2b)□ This a	action is non-final.					
A) □ Claim(s) 1-16 and 58-81 is/are pending in the application. 4a) Of the above claim(s)	3) Since this application is in condition for allowan closed in accordance with the practice under Expression	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) 58-61 and 72-81 is/are allowed. 6) □ Claim(s) 1.3.4.7.8.15.62.63 and 70 is/are rejected. 7) □ Claim(s) 2.5.6.9-14.16.64-69 and 71 is/are objected to. 8) □ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. §§ 119 and 120 12 □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. §§ 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1. □ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No 3.□ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17, 2(a)). * See the attached detailed Office action for a list of the certified copies not received. 13.□ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. Altachment(s) 1 □ Notice of References Cited (PTO-892) 3 □ Notice of Oraftsperson's Patent Drawing Review (PTO-948) 5 □ Notice of Informal Patent Application (PTO-152)							
4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) 58-61 and 72-81 is/are allowed. 6) □ Claim(s) 1.3.4.7.8.15.62.63 and 70 is/are rejected. 7) □ Claim(s) 2.5.6.9-14.16.64-69 and 71 is/are objected to. 8) □ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. §§ 119 and 120 12 □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1. □ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 13. □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. Altachment(s) 1 □ Notice of References Cited (PTO-982) 3 □ Notice of Pafsperson's Patent Drawing Review (PTO-948) 5 □ Notice of Informal Patent Application (PTO-152)	4)⊠ Claim(s) <u>1-16 and 58-81</u> is/are pending in the a	pplication.					
5) Claim(s) 58-61 and 72-81 is/are allowed. 6) Claim(s) 1.3.4.7.8.15.62.63 and 70 is/are rejected. 7) Claim(s) 2.5.6.9-14.16.64-69 and 71 is/are objected to. 8) Claim(s) 2.5.6.9-14.16.64-69 and 71 is/are objected to. 8) Claim(s) 3.4.7.8.15.62.63 and 70 is/are rejected. 7) Claim(s) 3.5.6.9-14.16.64-69 and 71 is/are objected to. 8) Claim(s) 3.5.6.9-14.16.64-69 and 71 is/are objected to. 8) Claim(s) 3.5.6.9-14.16.64-69 and 71 is/are objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. §§ 119 and 120 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received. 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. Altachment(s) 1) Notice of References Cited (PTO-892) 2) Hotoice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)	·						
7) Claim(s) 2.5.6.9-14.16.64-69 and 71 is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. §§ 119 and 120 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. §§ 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. a) The translation of the foreign language provisional application has been received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Interview Summary (PTO-413) Paper No(s)							
Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. §§ 119 and 120 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. a) The translation of the foreign language provisional application has been received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s)							
Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on							
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. §§ 119 and 120 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. a) The translation of the foreign language provisional application has been received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. Attachment(s) 10 Notice of References Cited (PTO-892) 21 Notice of Draftsperson's Patent Drawing Review (PTO-948)	<u> </u>						
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. §§ 119 and 120 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. a) ☐ The translation of the foreign language provisional application has been received. 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. Attachment(s) 1 ☑ Notice of References Cited (PTO-892) 2 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5 ☐ Notice of Informal Patent Application (PTO-152)	Application Papers						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. §§ 119 and 120 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. a) The translation of the foreign language provisional application has been received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). 5) Notice of Informal Patent Application (PTO-152)	9)☐ The specification is objected to by the Examiner.						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. §§ 119 and 120 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. a) The translation of the foreign language provisional application has been received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 10 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. Altachment(s) 10 No	10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. §§ 119 and 120 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. a) ☐ The translation of the foreign language provisional application has been received. 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. Attachment(s) 1) ☐ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Priority under 35 U.S.C. §§ 119 and 120 12)	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1.	11)∐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. a) The translation of the foreign language provisional application has been received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. Attachment(s) 4) Interview Summary (PTO-413) Paper No(s). 5) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Priority under 35 U.S.C. §§ 119 and 120						
1) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s) 5) Notice of Informal Patent Application (PTO-152)	 a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. a) The translation of the foreign language provisional application has been received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific 						
1) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s) 5) Notice of Informal Patent Application (PTO-152)							
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)	• •	4) 🗖 Intensions 0	PTO 442) Para 244 ()				
	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) 🔲 Notice of Informal Pa	PTO-413) Paper No(s) tent Application (PTO-152)				

Application/Control Number: 10/035,907

Art Unit: 1744

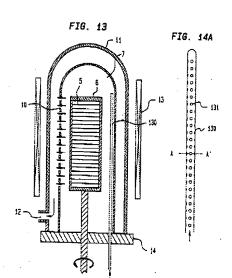
Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

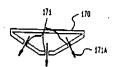
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1, 3, 4, 6, 8, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Shishiguchi et al (U.S. Patent No. 4,992,301).

With respect to claims 1, 3, 4, 6, and 15, Shishiguchi et al teaches an apparatus for storing a



plurality of supports 5 wherein the apparatus includes a mechanism 130,170 for diffusively introducing pressurized gas into the apparatus, an outlet element having a plurality of openings 131,171 in fluid communication with the mechanism, and a holding chamber 7 disposed such that gas flow through and out of the holding chamber is substantially unidirectional and substantially parallel to the supports, the

FIG. 17C



holding chamber 7 having an opening 14 for removing the supports 5 and a plurality of elements for holding the supports (col.1, lines 49-51). A gas inlet (unlabeled, but depicted by an arrow) at the bottom of mechanism 130,170 is

perpendicular to the axis of openings 131,171, while the interior of mechanism 130,170 functions as a manifold. As to the intended use recitation in the preamble, "for storing a plurality of supports having a plurality of chemical compounds/biopolymers bound thereto at individual

Application/Control Number: 10/035,907

Art Unit: 1744

sites thereon," a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

With respect to claim 8, the apparatus of Shishiguchi et al is certainly capable of introducing gas at a pressure of 60-80 psi.

Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 7, 62, 63, and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shishiguchi et al in view of Yamaga (U.S. Patent No. 5,484,484).

Shishiguchi et al teaches the claimed apparatus as set forth above but is silent with respect to the use of a valve in the gas inlet. Yamaga et al, however, teaches a similar apparatus for processing wafers wherein the gas inlet line 4 includes a valve V1. See Figure 2. As valves are known and used in the art for control of gas flow, it would have been obvious to provide a valve in the gas inlet of Shishiguchi et al.

Application/Control Number: 10/035,907

Art Unit: 1744

Allowable Subject Matter

- 5. Claims 2, 5, 6, 9-14, 16, 64-69, and 71 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 6. Claims 58-61 and 72-81 are allowed.

Response to Arguments

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 1744

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leigh McKane whose telephone number is 571-272-1275. The examiner can normally be reached on Monday-Wednesday (7:15 am-4:45 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 571-272-1275. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leigh McKane
Primary Examiner
Art Unit 1744

elm 26 July 2004